

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

**BARBARA SCHWAB, et al., individually and
on behalf of all others similarly situated,**

Plaintiffs,

V.

PHILIP MORRIS USA, INC., et al.,

Defendants.

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) No. 1:04-cv-1945 (JBW)(SMG)

**NOTICE OF DEFENDANTS' *DAUBERT* MOTION TO EXCLUDE
THE TESTIMONY OF DR. JOHN R. HAUSER**

Defendants Philip Morris USA, Inc.; Altria Group, Inc.; R.J. Reynolds Tobacco Company; Brown & Williamson Holdings (f/k/a Brown & Williamson Tobacco Corporation), individually and as successor by merger to The American Tobacco Company; Lorillard Tobacco Company; and British American Tobacco (Investments) Limited hereby move, pursuant to Federal Rules of Evidence 403 and 702, to exclude the testimony and opinions of Dr. John R. Hauser from evidence.

This motion is based on the following: the accompanying Memorandum of Law in Support of Defendants' *Daubert* Motion to Exclude the Testimony of Dr. John R. Hauser; the Declaration of Arthur J. Margulies, dated June 9, 2006, and the exhibits annexed thereto (attached hereto); and on all the prior proceedings and matters of record in this case.

Dated: June 9, 2006

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Todd R. Geremia", is written above a horizontal line.

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*and on behalf of all Defendants, counsel for whom
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CERTIFICATE OF SERVICE

The foregoing NOTICE OF DEFENDANTS' *DAUBERT* MOTION TO EXCLUDE THE TESTIMONY OF DR. JOHN R. HAUSER and the attached DECLARATION OF ARTHUR J. MARGULIES, dated June 9, 2006, and the exhibits annexed thereto, were served on all counsel of record on June 9, 2006 by electronic mail through the Court's CM/ECF system.

A handwritten signature in dark ink, reading "Todd R. Geremia". The signature is written in a cursive style with a large, stylized initial 'T'.

Todd R. Geremia